



STATE OF NEVADA
COMMISSION ON ETHICS
<http://ethics.nv.gov>

MINUTES
of the meeting of the
COMMISSION ON ETHICS
October 7, 2009

These minutes constitute a summary of the above proceedings of the Nevada Commission on Ethics.
A certified court reporter transcribed the meeting and transcripts are available for purchase from
Sunshine Litigation Services.

The Commission on Ethics held a public meeting on Wednesday, October 7, 2009, beginning at 9:00 a.m. at the following locations via video-conference:

Nevada Legislative Building
401 South Carson Street, Room 3143
Carson City, Nevada

Legislative Counsel Bureau
555 E. Washington Avenue, Room 4406
Las Vegas, Nevada

Call to Order, Roll Call.

In Carson City, Chairman George Keele, Esq. called the meeting to order and called the roll at 9:00 a.m., Wednesday, October 7, 2009. Chairman Keele, Commissioners Paul Lamboley, Esq. and John W. Marvel were present in Carson City. Also present in Carson City were Caren Jenkins, Esq., Executive Director, Yvonne Nevarez-Goodson, Esq., Commission Counsel, and Michelle A. Ené, Executive Assistant.

Some agenda items were taken out of order due to lack of a quorum. After 9:00 a.m., Commissioner John T. Moran, III, Esq. arrived, creating a quorum. Also present in Las Vegas was Michel Vavra, Investigator.

Members of the public were asked to sign in, and the sign-in sheets are attached to the original minutes as Exhibit A.

1. Open session to hear testimony, receive evidence, deliberate, and render an opinion relating to Request for Opinion No. 09-47C, submitted pursuant to NRS 281A.440(2)(b), alleging that certain conduct of William Weber, member of the Washoe County Planning Commission, Washoe County, Nevada, violated NRS 281A.420(1).

Chairman Keele opened agenda item 1. Commissioner Moran pointed out that the agenda stated that Mr. Weber allegedly violated NRS 281A.520(1), when in fact, the correct statute alleged violated is NRS 281A.420(1) and (3). Commission Counsel was consulted and determined that the error was ministerial and would not violate the open meeting law and therefore the Commission may proceed with this matter. Mr. Weber was present and was represented by Nathan Edwards from the Washoe County District Attorney's office.

Mr. Edwards made an objection on the record; however, his client wished to proceed with the matter at this time. Additional discussion took place regarding the error on the agenda and the record was clarified to reflect that the only alleged violation to be considered in this hearing was of NRS 281A.420(1) regarding disclosure and not NRS 281A.520(1).

Executive Director Jenkins provided an overview of the complaint, explaining that Mr. Weber allegedly violated NRS 281A.420(1) and (3), when he failed to disclose and abstain from acting in a matter in which he had a pecuniary interest as described more fully in the hearing materials. At the panel proceeding held on August 26, 2009, before panel members Mark Hutchison and Gregory Gale, the panel unanimously concluded that just and sufficient cause did not exist for the Commission to hold a hearing regarding subsection 3, regarding Mr. Weber's failure to abstain from voting on this matter on various meeting dates. However, the panel found that just and sufficient cause did exist to hold a hearing and render an opinion on whether Mr. Weber wrongfully failed to disclose his pecuniary interest in properties located in the Forest Area Plan being considered by the planning commission on June 2, 2009.

Mr. Edwards made an opening statement and then called Trevor Lloyd, Senior Planner with the Department of Community Development for Washoe County; William Weber, Member, Washoe Planning Commission; and Jeffrey Church, the Requester (telephonically). All of the witnesses were sworn by the court reporter prior to their testimony.

Following the examination of witnesses and Commissioners' deliberation, Commissioner Moran moved that the Commission find that Weber violated NRS 281A.420(1) when he failed to disclose his ownership in two parcels located in the Forest Area Plan at the June 2, 2009 Washoe Planning Commission. The agenda item being considered dealt with a plan amendment to the Forest Area Plan. Mr. Weber owns two parcels in the Forest Area Plan, as he previously disclosed at the July 28, 2008 meeting when the same agenda item was considered. The motion failed for lack of a second.

Commissioner Marvel moved the Commission find that Weber did not violate NRS 281A.420(1) and that the complaint against him be dismissed. Commissioner Lamboley seconded. After lengthy discussion the motion passed three to one, with Commissioner Moran voting nay.

2. Closed session pursuant to NRS 281A.440(15) to receive information or evidence and deliberate on the propriety of the conduct of a public officer, pursuant to NRS 281A.440.

This matter is confidential and was held in closed session.

3. Open session to take action on a proposed stipulation in Request for Opinion No. 09-45C regarding the conduct of Thomas Moore, member, Douglas County School District, Board of Trustees, Douglas County, Nevada.

Vice Chairman Moran moved to approve the Stipulated Agreement as presented by staff. Commissioner Lamboley seconded. The motion passed unanimously.

4. Open session to for discussion and possible action regarding ways the Commission could process non-complex complaints and/or requests for opinion in a less costly, more efficient manner that complies with the spirit of the Ethics in Government Law; discussion of potential changes to statute or regulation to allow for same.

Executive Director Jenkins made some preliminary recommendations to the Commission. Discussion ensued regarding these recommendations. The Commission determined to table this item for another meeting when more members are present for the discussion.

5. Open session for Commissioner Comments. Commissioners may make comments on future agenda items, upcoming meeting dates and meeting procedures.

There were no comments made by Commissioners.

6. Public Comments.

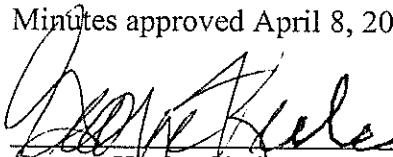
No public comment was made.

Chairman Keele adjourned the meeting at 2:33 p.m.

Minutes prepared by:


Tami DeVries, Legal Research Assistant II

Minutes approved April 8, 2010:


George Keele, Chairman